

TOWN OF MERRILLVILLE  
TOWN COUNCIL MEETING  
May 27, 2014

**CALL TO ORDER:** 6:30 P.M.

**INVOCATION:** Father Mike Maginot – St. Stephen Martyr Church

**ROLLCALL:** All members were present.

**PLEDGE OF ALLEGIANCE**

**PETITIONS, COMMUNICATIONS, REMONSTRATIONS:**

**CONSENT AGENDA:**

Accts. Payable Register Voucher Approval May 27, 2014. Approval of Town Council Meeting Minutes of May 13, 2014. Mr. Pettit made a motion to approve and seconded Mrs. Barron. The motion was approved by a 7/0 voice vote.

**STANDING COMMITTEES:**

**BUDGET & FINANCE: No report.**

**PUBLIC WORKS:**

Mr. Pettit made a motion to approve LPA consulting contract for construction inspection of Mississippi Street with Robinson Engineering, Mr. Hardaway seconded the motion. The motion was approved by a 7/0 roll call vote.

**COUNCIL AFFAIRS: No report.**

**PERSONNEL POLICY & EMPLOYEE BENEFITS: No report.**

**PUBLIC SAFETY:**

Mrs. Miano read two letters to the council regarding the outstanding job Merrillville Police did.

**PARKS & RECREATION:**

Mr. Spann made a motion to approve the impact study fee and also for the parks master plan and Mr. Goralczyk seconded the motion. The motion was approved by a 7/0 roll call vote.

**ENVIRONMENTAL AFFAIRS:**

Mr. Lake provided Stormwater updates: Stormwater has been busy with routine maintenance. Stormwater will have a demo with a company called Source One Environmental on June 11<sup>th</sup>; they are looking to save money on pipe repairs. There is a public meeting scheduled on June 4<sup>th</sup> at town hall to coordinate with residents regarding Southmoore Park drainage improvement projects. Phase II at Chapel Manor ditch clearing and snagging. This year's rain barrel program concluded on May 22<sup>nd</sup>, 43 rain barrels were sold. As early as October 1<sup>st</sup> the residents that require flood insurance will see a reduction in their premiums. There will be a meeting on Thursday with Lake County representatives to coordinate application to the Lil' Cal Basin Commission. Mr. Lake spoke at 2014 IDEM Annual Meeting on Stormwater Utility Development Master Plans, Stormwater received a certificate of recognition for elicit discharge detection elimination program.

**ELECTIONS & PUBLIC RELATIONS:**

Independence Day Parade is July 3<sup>rd</sup> at 7 p.m. The lineup is East 80<sup>th</sup> to 67<sup>th</sup> and Broadway. Applications are available at Town Hall. The theme for this is year is Our Children Today.

**ECONOMIC DEVELOPMENT: No report.**

**UTILITY LIAISON:**

Mrs. Barron has a meeting with Solid Waste regarding upcoming events and recycle programs that will be available.

**TOWN GOVERNMENT RE-ORGANIZATION: No report.**

**ADA COMPLIANCES: No Report.**

**GENERAL ORDERS:**

**FIRST READING ORDINANCES:**

**Ord. 14-17:** An Ordinance of the Town of Merrillville, Lake County, Indiana, providing that the zoning ordinance Town of Merrillville, Lake County, Indiana be amended by changing the established R-2, single family residential to a planned unit development, mixed use zoning classification. Mr. Pettit made a motion to approve and Mrs. Barron seconded. The motion was approved by a 7/0 roll call vote.

**Ord. 14-19:** Ordinance 12-44 amended of the Town of Merrillville, Lake County, Indiana, amending ordinance 07-15 establishing hours, days and limitations in which consumer fireworks may be used, ignited, or discharged. Mr. Pettit made a motion to approve and Mr. Widing seconded. The motion was approved by a 7/0 roll call vote.

**Ord. 14-20:** An Ordinance of the Town Council of the Town of Merrillville, Lake County, Indiana, approving a lease for Certain public improvements between the Town of Merrillville Redevelopment Authority and the Town of Merrillville Redevelopment Commission, and approving the levy of a special tax to the extent tax increment revenues are insufficient for the payment of rentals under such lease, and regarding certain related matters. Mr. Pettit made a motion to approve and Mr. Spann seconded. The motion was approved by a 7/0 roll call vote.

**SECOND READING ORDINANCES:**

**Ord. 14-14:** An Ordinance of the Town of Merrillville, Lake County, Indiana, fixing the Parks non-reverting program fees for the Year 2014. Mr. Spann made a motion to approve and Mrs. Barron seconded. The motion was approved by a 7/0 roll call vote.

**Ord. 14-15:** An Ordinance of the Town of Merrillville, Lake County, Indiana, appropriating additional monies within the Police Donation fund of the Town of Merrillville, Lake County, Indiana for the year 2014 not included in the current budget. Mrs. Barron made a motion to approve and Mr. Spann seconded. The motion was approved by a 7/0 roll call vote.

**Ord. 14-16:** An Ordinance of the Town of Merrillville, Lake County, Indiana, amending ordinance 14-01 and fixing the salaries and pay for employees of the Town of Merrillville, Indiana for the calendar year 2014. Mr. Spann made a motion to approve and Mr. Widing seconded. The motion was approved by a 7/0 roll call vote.

**Ord. 14-18:** An ordinance of the Town Council of the Town of Merrillville, Lake County, Indiana, establishing the Town of Merrillville Redevelopment authority. Mr. Spann made a motion to approve and Mr. Pettit seconded. The motion was approved by a 7/0 roll call vote.

**RESOLUTIONS: No report.**

**BZA ACTIONS:**

**Petitioner:** St. Sava Orthodox Church  
**Owner:** St. Sava Orthodox Church  
**Request:** Special Exception approval  
**Purpose:** Cemetery  
**Location:** 9191 Mississippi Street  
**Zoning:** A-1 Agricultural  
**Case #:** Z11E7-0414

The conditions to meet the state of Indiana requirements and approval of the cemetery, secure cemetery with fencing or shrubbery along Mississippi and 89<sup>th</sup> Ave. For this petitioner only, at this location, only for this use only. Mr. Pettit made a motion to approve and Mr. Spann seconded. The motion was approved by a 7/0 roll call vote.

**Petitioner:** Sincere Heart Adult Day Care Center  
**Owner:** Sincere Heart Adult Day Care Center  
**Request:** Special exception approval  
**Purpose:** For an adult day care facility  
**Location:** 1443 East 84<sup>th</sup> Avenue  
**Zoning:** C-3 Highway Commercial  
**Case #:** Z13E9-0414

For this petitioner only, at this location, only for this use only. Petitioner has received a variance approval from the state of Indiana, not requiring the installation of a sprinkler system, however they must comply with all other fire code requirements such as extinguishers, fire alarm system and so on. They will need to obtain an Indiana Design release for the Town of Merrillville interior remodel permit. Mr. Hardaway made a motion to approve and Mr. Pettit seconded. The motion was approved by a 7/0 roll call vote.

**Petitioner:** Tron-agek' Educational Foundation  
**Owner:** Novogroder/Westlake LLC  
**Request:** Special exception approval  
**Purpose:** Charter school  
**Location:** 8380 Louisiana Street  
**Zoning:** C-3 Highway commercial  
**Case #:** Z6E4-0114

For this petitioner only, at this location, only for this use only. Mr. Pettit made a motion to approve and Mr. Hardaway seconded. Mr. Pettit went on record "This is a zoning petition only, not a policy decision. If we want to make a policy decision on whether or not to have charter schools, private school or Merrillville School Corporation we need to make a resolution and policy statement similar to what we did for multi-family and duplex in this town and put a moratorium on it. We just approved a cemetery which is competition to Calumet Park; there is nothing wrong with competition. It is the parents' choice where they send their children. You have heard me on record saying my daughter goes to a private school, I made that choice. I still pay my tax bill; Merrillville Schools still gets their 51% of my tax bill. There is no reason we should be in the business right now as policy makers of dictating competition. We've approved special exceptions, we do it all the time with special exceptions and zoning and housing. We just rezoned property, what would if a developer came in and got mad at us because we rezoned the guy's property and he's going to build duplexes out at Heritage. We are not in that position right now. They made a request for special exception; the BZA gave it a favorable recommendation. They met all the zoning criteria I've discussed this issue with town attorney. There will be absolutely no problem with what you girls want to do out there, if your successful great! If you're not, businesses unfortunately come and go and they close in Merrillville. That's a choice you have to market it just like anyone else. You're somewhat in the business of educating children. Correct? So that's why I made my motion Madam President. It is in my ward I have had zero phone calls on this issue. No remonstrations, Dorinda? Enough said. If somebody wants to use their property for their highest and best use, I don't think we should go against them if there is no public remonstrations." Mr. Goralczyk asked "This is just a zoning issue correct?" Mr. Bushemi responded "Yes." The motion was approved by 5/0 roll call vote. Mr. Spann and Mrs. Miano abstained.

**OLD BUSINESS: No report.**

**NEW BUSINESS:**

Mrs. Miano stated that there are three candidates, John Minchuk, Julie Olthoff and Gene Ward for Redevelopment Authority. Mr. Pettit stated that during the discussion at Redevelopment the census was that those individuals were placed on Economic Development Commission a number of years ago and we thought we would just float them into the RDA from the EDC. Mrs. Miano appointed John Minchuk, Julie Olthoff and Gene Ward to the RDA.

**PUBLIC COMMENT:**

All public comment is recorded on cassette tape and kept on file in the Clerk-Treasurer's Office at Town Hall.

**ANNOUNCEMENTS:**

Board of Zoning Appeals meeting, May 28, 2014 at 6:30 p.m.

Stormwater Management Board meeting, June 3, 2014 at 4:30 p.m.

Southmoor Park Public meeting, June 4, 2014 at 6:00 p.m.

Police Commission meeting, June 6, 2014 at 8:00 a.m.

Redevelopment Commission Meeting, June 10, 2014 at 6:00 p.m.

Town Council meeting, June 10, 2014 at 6:30 p.m.

**ADJOURNMENT**

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**Carol Miano- President**

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**Eugene Guernsey, Clerk-Treasurer**